

REMARKS

Applicant requests favorable reconsideration and withdrawal of the objection and restriction requirement, as set forth in the Office Action dated May 19, 2004.

Claim 1-18 are pending in the application with claims 1, 4, 9, and 16-18 being independent. Claim 9 has been amended herein. No new matter is being added.

The Office Action objected to claims 9-15 under 37 C.F.R. § 1.75(a) as failing to particularly point out and distinctly claim the subject matter of the invention. Without conceding the propriety of this objection, and solely to advance prosecution, claim 9 has been amended herein to obviate the objection. Favorable reconsideration is requested.

Also in the Office Action, the Examiner sets forth a restriction requirement among two groups of claims. Group I, claims 1-8 and 16-17 is drawn to a method and apparatus for calibrating an image forming device and image reading device characterized by discriminating whether a chart read to generate a calibration condition for each device is an appropriate chart. Group II, claims 9-15 and 18, is drawn to a method using a chart and a chart to be used in a method for calibrating an image reading device, where the chart is characterized as being foldable and stored in an operation manual. Applicant respectfully traverses the restriction requirement.

The Examiner contends that the inventions of Groups I and II are related as product, and process or apparatus for using the product. These contentions are respectfully traversed.

Applicant notes that the inventions of Groups I and II are so closely related in the field of calibrating imaging devices that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicant further submits that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicant's overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicant's invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to substantially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicant.

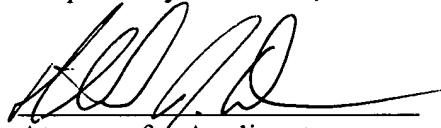
In the interest of economy, for the Office, for the public-at-large and for Applicant, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicant provisionally elects, with traverse, to prosecute the invention of Group I, namely claims 1-8, 16 and 17.

Favorable consideration and an early passage to issue are also requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. J. Didas', written over a horizontal line.

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